

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

**IN RE: AREDIA® AND ZOMETA®  
PRODUCTS LIABILITY LITIGATION  
(MDL No. 1760)**

**This Document Relates To:**

**Case Nos.: 3:06-CV-0968; 3:06-CV-1033;  
3:07-CV-0396; 3:07-CV-0474; 3:07-CV-0471  
Bell v. Novartis Pharms. Corp.;  
Rivero v. Novartis Pharms. Corp.;  
Keller v. Novartis Pharms. Corp.;  
Gibbs v. Novartis Pharms. Corp.;  
Guy v. Novartis Pharms. Corp.**

**No. 3:06-MDL-1760**

**JUDGE CAMPBELL**

**MAGISTRATE JUDGE BROWN**

**MOTION OF NOVARTIS PHARMACEUTICALS CORPORATION  
FOR ORDER TO SHOW CAUSE WHY CLAIMS OF PLAINTIFFS  
BELL, RIVERO, KELLER, GIBBS, AND GUY SHOULD NOT BE DISMISSED**

Novartis Pharmaceuticals Corporation ("NPC") requests that the Court issue an Order to Show Cause why the claims of plaintiffs Rebecca Bell, Gerardo Rivero, Gail Keller, Angie Gibbs, and Bob Guy should not be dismissed pursuant to the Case Management Order ("CMO") (Docket #89) for failure to serve NPC with a Plaintiff's Fact Sheet ("PFS") completed in all material respects. NPC sent the required warning letters to plaintiffs' counsel and to date no PFSs corresponding to plaintiffs' claims have been served.

As explained in the accompanying Memorandum in Support, the failure of plaintiffs to comply with the CMO and the Court's Scheduling Order makes dismissal appropriate under Federal Rules of Civil Procedure 41(b), 37(b)(2)(C) and 16(f).

Respectfully submitted,

August 22, 2007

s/ Katharine R. Latimer  
Joe G. Hollingsworth  
Katharine R. Latimer  
SPRIGGS & HOLLINGSWORTH  
1350 I Street, N.W., Ninth Floor  
Washington, DC 20005  
(202) 898-5800  
(202) 682-1639 (fax)

*Attorneys for Defendant  
Novartis Pharmaceuticals Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 22nd day of August, 2007 served a true and correct copy of the foregoing Motion of Novartis Pharmaceuticals Corporation for Order to Show Cause Why Plaintiffs Bell, Rivero, Keller, Gibbs, and Guy Should Not Be Dismissed, by operation of the Court's Electronic Case Filing System, on Plaintiff's Liaison Counsel:

C. Patrick Flynn  
Flynn & Radford  
320 Seven Springs Way  
Suite 150  
Brentwood, TN 37027  
(615) 370-9448

Russel H. Beatie  
Daniel A. Osborn  
Beatie And Osborn LLP  
521 Fifth Avenue  
New York, New York 10175  
(212) 888-9000

s/ Katharine R. Latimer  
Katharine R. Latimer